



Z-09-08-004

**City of Greensboro Planning Department
Zoning Staff Report and Plan Amendment Evaluation**

Zoning Commission Hearing Date: August 10, 2009

GENERAL INFORMATION

APPLICANT	Kotis Properties for Shirley Nelson
HEARING TYPE	Rezoning
REQUEST	RS-12 (Residential-Single Family) to CD-GB (Conditional District-General Business)
CONDITIONS	<ol style="list-style-type: none">1. Uses: All uses allowed in the GB zoning district <u>except</u> bars, billiard parlors, bingo games, coin operated amusement, convenience stores with fuel pumps, service stations-gasoline, bus terminals, taxi terminals, recycling collection points, automotive repair services, motor vehicle sales, pawn shops, funeral homes or crematoriums, and building supply sales with outdoor storage.2. All parking lighting will be directed downward and into the interior of the property so as to minimize light shining outside of the property3. There will be only 1 curb cut on Battleground Avenue with the approval of GDOT4. Exterior building materials for any new buildings shall comprise of at least 65% brick, masonry, stone and glass construction5. Any exterior up-lighting will be limited to the facade facing Battleground Avenue and Downing Street.
LOCATION	3505 and 3503 Battleground Avenue (West side of Battleground Avenue and south of Downing Street)
PARCEL ID NUMBER (S)	00-00-0325-0-0001-00-001
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet (Chapter 30-9-1.2 of the City Ordinance requires notification of the owner of that parcel of land and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the County tax listing). 45 notices were mailed to those property owners in the mailing area.
TRACT SIZE	~1.06 Acres
TOPOGRAPHY	Slopes to the west and north
VEGETATION	Residential landscaping

SITE DATA

Existing Use		Single-Family dwelling unit
	Adjacent Zoning	Adjacent Land Uses
N	RS-12 (Residential-Single-Family)	City Park
E	RM-12 (Residential-Multi-Family)	Multi-Family dwelling units
W	RS-12 (Residential-Single-Family)	Pond
S	RS-12 (Residential-Single-Family)	Single-Family dwelling units

Zoning History

Case #	Date	Request Summary
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This property has been zoned RS-12 since July 1, 1992. Prior to the implementation of the Unified Development Ordinance (UDO), it was zoned RES 120 S

ZONING DISTRICT STANDARDS**District Summary ***

Zoning District Designation:	Existing (RS-12)	Requested (CD-GB)
Max. Density:	3 dwelling units per acre	N/A
Typical Uses	Primarily intended to accommodate moderate density single-family detached dwellings in developments where public water and sewer service is required.	Primarily intended to accommodate a wide range of retail, service, and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

**These regulations may not reflect the actual requirements for all situations; see the City of Greensboro Zoning Code for actual regulations for site requirements for this zoning district.*

SPECIAL INFORMATION**Overlay District Ordinance/Historic Preservation**

N/A

Environmental/Soils

Water Supply Watershed	Yes, site drains to Greensboro Watershed WS III
Floodplains	N/A
Streams	Perennial pond on site. 50' pond buffer is required if low density is proposed (0-24% of built upon area) or 100' stream buffer on each side if high density development is proposed (24%-70%). No built upon area is allowed in the entire buffer.
Other:	Site must meet watershed requirements. Water quality best management practice is required if high density development is proposed (24%-70% of built upon area). If low density is proposed (0-24%) score sheet is required. Quantity control will also have to be addressed in site plan stage.

Airport Noise Cone

The subject property is not located in the Airport Noise Cone.

Landscaping Requirements

North	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'
South	Type A Yard – avg. width 50'; 4 canopy trees per 100'; 10 understory trees per 100'; 33 shrubs per 100' and Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100' and See Stream Buffer requirements.
East	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'
West	Not applicable. See Stream Buffer requirements.

Tree Preservation Requirements

Acreage	Requirements
1.06 Ac.	1% of lot area and be located within the required planting yard

Transportation

Street Classification	Battleground Avenue – Major Thoroughfare, Downing Drive – Local Street.
Site Access	All access must be designed and constructed to the City of Greensboro standards.
Traffic Counts:	Battleground Avenue ADT = 33,950.
Trip Generation:	N/A.
Sidewalks	Sidewalks are a requirement of the Development Ordinance. 5' sidewalk with a 5' grass strip is required along both sides of thoroughfares. 5' sidewalk with a 3' grass strip is required along one side (at a minimum, collectors may require sidewalk on both sides) of all other street types. There is not sidewalk along the frontage of this property nor are there any plans to construct sidewalk.
Transit in Vicinity	Yes, route 8, Battleground Avenue.

Traffic Impact Study (TIS) No, not required per TIS Ordinance.
Street Connectivity N/A.
Other N/A.

IMPACT ANALYSIS

Land Use Compatibility

The proposed **CD-GB** (Conditional District– General Business) zoning would allow land uses that are not presently compatible with the general character of the area.

Connections 2025 Comprehensive Plan Policies

The Generalized Future Land Use Map designates this location as **Mixed Use Commercial and Low Residential**. The requested **CD-GB** (Conditional Use-General Business) zoning district is consistent with these GFLUM designations as more than 60% of the site is designated Mixed Use Commercial.

Connections 2025 Written Policies

Reinvestment/Infill Goal: Promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods.

POLICY 4C: Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

POLICY 6A.4: Implement measures to protect neighborhoods from potential negative impacts of development, redevelopment, and/or public projects that are inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

Including protection against incompatible commercial encroachments into residential neighborhoods

Economic Development Goal: Promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro.

POLICY 7C.1: Ensure that adequate land is zoned and has infrastructure available for the various stages of business development.

Connections 2025 Map Policies

Mixed Use Commercial: This designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. Where applied to older highway corridors characterized by "strip" commercial uses, the intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time. Examples include residential units over commercial uses or a wider array of economically viable uses to replace obsolete uses. Such areas also may represent opportunities for the introduction of substantial higher density and/or mixed-income housing, with negligible impacts on, or resistance from, nearby single-family neighborhoods. Ensuring that buildings are of the appropriate scale and intensity is critical, as is ensuring that sites are designed in a coordinated, as opposed to a lot-by-lot, manner. New "strip" commercial development is discouraged.

Low Residential (3-5 d.u./acre): This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged.

CONFORMITY WITH OTHER PLANS

Other Plans - N/A

Staff/Agency Comments

Water Resources

Possibility of wetlands is high. If any stream or wetland disturbance is proposed State and Corps of Engineers must be contacted and all the permits must be obtained.

Housing and Community Development

This proposed rezoning and development would remove an existing single family home, and create a non-residential use within a stable neighborhood. If approved this proposed development could impose significant negative impacts on the adjacent single family residential properties, and create pressure for those properties to also change use. These negative impacts could be partially mitigated through substantial vegetation and/or constructed buffers along the northern, western, and southern property boundaries. The applicant is strongly encouraged to consult with representatives of the British Lakes neighborhood, within which this site is located.

Planning

The subject site currently consists of a single-family house and an undeveloped wooded lot. The applicant is proposing to rezone the property to CD-GB for a possible commercial use.

This area of the City consists mostly of residential dwellings with commercial and office

uses located one-quarter of a mile northbound and southbound on Battleground avenue. Staff has several significant concerns about the disruption of the residential development patterns by incompatible commercial uses. Notable concerns include the following:

1. The proposed CD-GB zoning would allow uses that are not in harmony with the existing adjacent residential neighborhood. By approving this request, the City may not be able to ensure protection of the character of the residential neighborhood. This adjoining neighborhood is in a stable condition and deserves protection from encroachment by higher intensity commercial uses. Staff is of the opinion that disrupting the residential character of the neighborhood with the intrusion of poorly located higher intensity uses is against the intent and purpose of the zoning code. This may set a precedent for additional conversions of low density single-family residences to higher intensity commercial uses.
2. Staff is also concerned about the potential precedent for encouraging “leap frog” development that effectively breaks up established single family patterns. Approval of this proposal would create an island of higher intensity commercial use in an area that is presently characterized as low density single family. Staff has always discouraged rezoning requests which do not fit the general character of the surrounding neighborhood. Such requests, especially when located in the middle of the block, tend to be disruptive to and inconsistent with the character of a neighborhood.
3. While the Comprehensive Plan calls for compact development and the provision of necessary services and facilities in close proximity to neighborhoods, it also speaks to the need to protect neighborhoods from incompatible land uses.
4. The applicant has not demonstrated the need for additional commercial uses along this thoroughfare as there are vacant commercial spaces available in nearby commercial centers, including several shopping centers to the north and south of the subject site along Battleground Avenue.

Staff believes that this request is inconsistent with the intent and purpose of the zoning code. Staff is also of the opinion that the request is generally premature and incompatible with existing developments and trends in the surrounding area.

STAFF RECOMMENDATION

Staff recommends **denial** of the requested **CD-GB** (Conditional District-General Business) zoning district.